

1 THE HONORABLE ROBERT S. LASNIK
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) NO. CR04-524L
11 v.) ORDER CONTINUING TRIAL
12)
13 TOM JULIEN TOMASCZEWSKI,)
14 Defendant.)
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16 THE COURT having considered the entirety of the record herein,
17 FINDS AND RULES AS FOLLOWS:

18 1. This case is currently set for trial on June 27, 2005.

19 2. Defense counsel, Douglas Hiatt, has informed the Court that he is
20 undergoing a family medical emergency, specifically that his mother is terminally ill and
21 hospitalized. As a result, Mr. Hiatt is unable to prepare this case for trial, or finalize a
22 settlement, at this time.

23 3. Defendant is out of custody, residing in California. This distance has
24 further hampered Mr. Hiatt's efforts to prepare or resolve this case by the current trial date,
25 in light of his need to be in the hospital with his mother in Seattle.

26 4. As a result of his family medical emergency, counsel for Defendant
27 requests a trial continuance of approximately two weeks. The United States does not oppose
28 this request.

1 5. Defendant has agreed to this request and will file a written waiver of
 2 speedy trial covering a continuance of at least two weeks.

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4 IT IS HEREBY ORDERED that the trial shall be continued from June 27,
 5 2005, until July 11, 2005.

6 IT IS HEREBY ORDERED that the period of time between June 27, 2005,
 7 until the new trial date shall be excluded from computation under 18 U.S.C.
 8 §§ 3161(h)(8)(A), and 3161(h)(8)(B)(i) and (iv), because of the defense counsel's family
 9 emergency, his need for more time for effective trial preparation or resolution, and to
 10 preserve continuity of counsel, taking into account the exercise of due diligence, because it is
 11 unreasonable under these circumstances to expect adequate preparation for trial.

12 THE COURT FURTHER FINDS that the ends of justice served by this
 13 continuance outweigh the best interest of the public and Defendant in a speedy trial.

14 DATED this 22nd day of June, 2005.

15

16 Robert S. Lasnik

17 Robert S. Lasnik
 18 United States District Judge

19 Presented by:

20 JOHN MCKAY
 21 United States Attorney

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SARAH VOGEL
 23 Assistant United States Attorneys

24 Approved:

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DOUGLAS HIATT
 26 Counsel for Defendant